

Applicant: Birmingham Coal & Coke Co. Inc.
Mine Name: Miner Hollow #2 Mine
Permit Number: P-3777, Permit Renewal

STATE OF ALABAMA SURFACE MINING COMMISSION

- (X) Renewal Application for a Surface Coal Mine
() Renewal Application for an Underground Coal Mine
() Renewal Application for a Preparation Facility

PART I A. IDENTIFICATION

1. PERMIT APPLICANT

Name: Birmingham Coal & Coke Co., Inc.
Street Address: 912 Edenton Street
City: Birmingham State: AL zip: 35242
Mailing Address: 912 Edenton Street
City: Birmingham State: AL zip: 35242
Telephone Number: (205) 408-5881
Social Security Number (Voluntary): - - -
Employer Identification Number: 63-
ASMC License#: L-378

2. ENTITY OR PERSON RESPONSIBLE FOR PAYING ABANDONED MINE LAND RECLAMATION FEES

Name: Birmingham Coal & Coke Co., Inc.
Street Address: 912 Edenton Street
City: Birmingham State: AL zip: 35242
Mailing Address: 912 Edenton Street
City: Birmingham State: AL zip: 35242
Telephone Number: (205) 408-5881
Social Security Number (Voluntary): - - -
Employer Identification Number: 63-
ASMC License#: L-378

3. IDENTIFY THE OPERATOR FOR THIS MINE IF DIFFERENT FROM THE PERMITTEE

Name: Birmingham Coal & Coke Co., Inc.
Street Address: 912 Edenton Street
City: Birmingham State: AL zip: 35242
Mailing Address: 912 Edenton Street
City: Birmingham State: AL zip: 35242
Telephone Number: (205) 408-5881
Social Security Number (Voluntary): - - -
Employer Identification Number: 63-
ASMC License#: L-378

4. CONTACT PERSON FOR PERMIT REVIEW ISSUES AND CORRESPONDENCE

Name: Jason Rudakas c/o Birmingham Coal & Coke

Mailing Address: 912 Edenton Street

City: Birmingham State: AL Zip: 35242

Telephone Number: (205) 408- 5881

Also Please Copy: Robert A. Lewis

Birmingham Coal & Coke Co., Inc.

912 Edenton Street

Birmingham, AL 35242

Applicant:	Birmingham Coal & Coke
Mine Name:	Miner Hollow #2
Permit Number:	P-3777

PART I B. OWNERSHIP AND CONTROL

1. **PERMIT APPLICANT OWNERSHIP AND CONTROL**. At the time of filing of this application provide an update of all information contained in the applicant's license file or certify that the information contained in the license is accurate and complete. The updated information shall be submitted on Part I A through Part I F of the License application form. Check one of the following

- ☐ A license update is included
- ☒ Information contained in the license file is accurate and complete at the time of filing of this application.
No update is included.

Following notification that the permit appears eligible for issuance, the applicant must certify that all information in this application and the license file pertaining to ownership and control, surface mining history and violation history is still valid or the applicant must submit the appropriate update information.

2. **OPERATOR OWNERSHIP AND CONTROL**. If someone other than the permittee has been identified as the operator under this permit, an update of the ownership and control information contained in the operator's license file must be provided or certify that the information contained in the license file is accurate and complete. The updated information shall be submitted on Part I A through Part I F of the License application form. Check one of the following:

- ☐ A license update is included
- ☒ Information contained in the license file is accurate and complete at the time of filing of this application.
No update is included.

Following notification that the permit appears eligible for issuance, the applicant must certify that all information in this application and the license file pertaining to ownership and control, surface mining history and violation history is still valid or the applicant must submit the appropriate update information.

3. **CONTROL OF MINING OPERATION THROUGH CONTROL OF COAL TO BE MINED**. Provide the information below for any person or entity who owns or controls the coal to be mined under this permit and who, by lease, sublease, or other contract:

- A. has the right to receive the coal after mining, or,
B. has the authority to determine the manner in which the operator or permittee conducts surface coal mining operations.

(USE ADDITIONAL SHEETS IN THE FORMAT BELOW IF NECESSARY)

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Mailing Address: 912 Edenton Street
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Telephone Number: (205) - 408 - 5881
Social Security Number: - - - (Voluntary)
Employer Identification Number: 63-
ASMC License#: L-378

Applicant: Birmingham Coal & Coke	
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PART I C. PROPERTY OWNERSHIP, INTERESTS AND RIGHTS

1. OWNERSHIP OF PROPERTY TO BE MINED AND RIGHT OF ENTRY.
INSTRUCTIONS: Show the property

INSTRUCTIONS: Show the property ownership boundaries of each parcel of land in the permit area on the permit map or an overlay of the same scale as the permit map. If the surface estate is severed from the mineral estate, show and describe the ownership of each estate separately. In the spaces below, identify:

1. Every current legal or equitable owner(s) of record (as found in a standard search of title) of the property;
2. The holders of record of any leasehold interest in the property; and,
3. Any purchaser of record under a real estate contract of the property.

Describe the basis of the applicant's legal right to enter and mine on all properties contained in the permit application. If the mineral estate has been severed from the surface estate, describe the basis of the legal right to enter and mine both the surface and mineral separately. Give the nature of such right (i.e. lease, deed, contract, etc.), where recorded, describe from whom, to whom, and the date executed, and whether that right is the subject of pending litigation.

USE ADDITIONAL SHEETS IN THE EVENT OF OVERFLOW.

USE ADDITIONAL SHEETS IN THE FORMAT BELOW AS NECESSARY

Page 1 of

Legal description of property or permit map symbol:

University of Alabama Board of Trustees (S)

Surface/Mineral/or Fee Simple (both): Surface

Legal owner(s) of record: University of Alabama Board of Trustees
Address: P.O. Box 870106

Address: P.O. Box 870106 City: Tuscaloosa State: AL Zip: 35487

Holders of leasehold interest:

Address:

City:

State: Zip:

Zip:

Purchasers under a real estate contract:

Address:

City:

State: Zip:

Zip:

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining.

Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry (If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
LEASE	University of Alabama Board of Trustees	Birmingham Coal & Coke Co., Inc.	1/13/06	No

Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry (If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
Lease	Gulf States Paper Corp.	Birmingham Coal & Coke Co., Inc.	03/10/03	No

Applicant: Birmingham Coal & Coke
Mine Name: Miner Hollow #2
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PART I C 1. (CONTINUED)

Part I C 1 Page ___ of ___

Legal description of property or permit map symbol: _____

Bob Lewis, Tom Lewis, & Mike Bailey (S)

Surface/Mineral/or Fee Simple (both): Surface

Legal owner(s) of record: Bob Lewis, Tom Lewis, & Mike Bailey

Address: 912 Edenton Street City: Birmingham State: AL Zip: 35242

Holders of leasehold interest: _____

Address: _____ City: _____ State: _____ Zip: _____

Purchasers under a real estate contract: _____

Address: _____ City: _____ State: _____ Zip: _____

Description of right to enter or mine: _____

Describe the type of document or conveyance which grants the right of entry, disturbance or mining.

Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry (If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
Lease/Owner Deed Book 1862 Page 288	Bob Lewis Tom Lewis & Mike Bailey	Birmingham Coal & Coke Co., Inc.	10/23/03	No

Legal description of property or permit map symbol: _____

Bonnie & Danny Joe Kilgore (Fee)

Surface/Mineral/or Fee Simple (both): Fee Simple

Legal owner(s) of record: Bonnie & Danny Joe Kilgore

Address: 28513 Wooley Springs Road City: Athens State: AL Zip: 35613

Holders of leasehold interest: _____

Address: _____ City: _____ State: _____ Zip: _____

Purchasers under a real estate contract: _____

Address: _____ City: _____ State: _____ Zip: _____

Description of right to enter or mine: _____

Describe the type of document or conveyance which grants the right of entry, disturbance or mining.

Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry(If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
Lease	Bonnie & Danny Joe Kilgore	Birmingham Coal & Coke Co., Inc.	01/14/04	No

Applicant:	Birmingham Coal & Coke
Mine Name:	Miner Hollow #2
Permit Number:	P-3777

PART I C 1. (CONTINUED)

Part I C 1 Page ____ of ____

Legal description of property or permit map symbol:

Jolen Operating Company (M)

Surface/Mineral/or Fee Simple (both): Mineral

Legal owner(s) of record: Jolen Operating Company

Address: 100 N Broadway, Suite 2460 City: Oklahoma City State: OK Zip: 73102

 Holders of leasehold interest:

Address: _____ City: _____ State: _____ Zip: _____

Purchasers under a real estate contract:

Address: _____ City: _____ State: _____ Zip: _____

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining.

Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry (If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.
Lease	Jolen Operating Co.	Birmingham Coal & Coke Co., Inc.	12/06/02	No

Legal description of property or permit map symbol:

Surface/Mineral/or Fee Simple (both):

Legal owner(s) of record:

Address: _____ City: _____ State: _____ Zip: _____

Holdings of leasehold interest:

Address: _____ City: _____ State: _____ Zip: _____

Purchasers under a real estate contract:

Address: _____ City: _____ State: _____ Zip: _____

Description of right to enter or mine:

Describe the type of document or conveyance which grants the right of entry, disturbance or mining.

Indicate from whom the right was acquired and to whom the right was granted. If the grantor of the right is not the owner(s) of property, identify all grantors and grantees of the right beginning with the owner(s) and ending with the permit applicant.

Describe Right of Entry(If deed indicate where recorded):	Granted From:	Granted To:	Date Granted:	Litigation Pending? (Yes or No) If yes, explain.

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PART I C. (CONTINUED)

2. OWNERSHIP OF SURFACE AND MINERAL LANDS CONTIGUOUS TO THE AREA TO BE MINED.
INSTRUCTIONS: Provide the information below for the owners of record of all surface and mineral properties contiguous to any part of the proposed permit area.

USE ADDITIONAL SHEETS AS NECESSARY IN THE FORMAT BELOW

PAGE 1 OF 1

Name: Alabama Power Company
Address: P.O. Box 2641
City: Birmingham State: AL Zip: 38326
Interest owned (Surface, Coal or Fee Simple): Fee Simple
Type of Interest (Owner, Lease, or Other): Owner

Name: Gulf State Paper Corp
Address: P.O. Box 48999
City: Tuscaloosa State: AL Zip: 35404
Interest owned (Surface, Coal, or Fee Simple): Fee Simple
Type of Interest (Owner, Lease, or Other): Owner

Name: University of Alabama Board of Trustees
Address: P.O. Box 870106
City: Tuscaloosa State: AL Zip: 35487
Interest owned (Surface, Coal, or Fee Simple): Fee Simple
Type of Interest (Owner, Lease, or Other): Owner

Name: Bonnie & Danny Joe Kilgore
Address: 28513 Wooley Springs Road
City: Athens State: AL Zip: 35618
Interest owned (Surface, Coal or Fee Simple): Surface
Type of Interest (Owner, Lease, or Other): Owner

Name: Jolen Operating Company
Address: 100 N. Broadway, Suite 2460
City: Oklahoma City State: OK Zip: 73102
Interest owned (Surface, Coal, or Fee Simple): Mineral
Type of Interest (Owner, Lease, or Other): Owner

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Interest owned (Surface, Coal, or Fee Simple): _____
Type of Interest (Owner, Lease, or Other): _____

Name: Bob Lewis, Tom Lewis & Mike Bailey
Address: 912 Edenton Street
City: Birmingham State: AL Zip: 35242
Interest owned (Surface, Coal, or Fee Simple): Surface
Type of Interest (Owner, Lease, or Other): Owner

Applicant: Birmingham Coal & Coke
Mine Name: Miner Hollow #2
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PART I C. (CONTINUED)

3. INTERESTS OR PENDING INTERESTS IN LANDS CONTIGUOUS TO THE PERMIT AREA.
INSTRUCTIONS: Give the legal description of all lands contiguous to the permit area for which the permit applicant:

1. Holds an interest,
2. Holds an option, or
3. Has made a bid for ownership, lease or other interest.

USE ADDITIONAL SHEETS IN THE FORMAT BELOW IF NECESSARY

PAGE 1 OF Concurrent with Original Permit

Legal description: _____

Describe the nature of the interest: _____

Legal description: _____

Describe the nature of the interest: _____

Legal description: _____

Describe the nature of the interest: _____

Legal description: _____

Describe the nature of the interest: _____

Legal description: _____

Describe the nature of the interest: _____

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PART I D. PERMIT AREA INFORMATION

1. Term Information:

- a. Date original permit or subsequent renewal expires: 6/11/11
b. Term of original permit or subsequent renewal: 5 years
c. Requested term of this permit renewal: 5 years
d. Sequence number of this renewal: _____

2. Give the legal description of the land upon which the applicant proposes to conduct surface coal mining operations pursuant to this renewal. List each quarter-quarter section, section, township, range, and county.

SW 1/4 of SE 1/4 and SE 1/4 of SE 1/4 of Section 9, Township 16 South,
Range 8 West, Walker County, Alabama.

3. Give the acreage of the permit renewal, each increment and the type of bonding.

a. Total permit renewal acreage: 323 acres

b. Give the acreage and type of bond for each mining increment:

<u>Increment</u>	<u>Acres</u>	<u>Type Bond Proposed</u>
1.	<u>6</u>	<u>Letter of Credit</u>
2.	<u>125</u>	<u>Letter of Credit</u>
3.	<u>12</u>	<u>Letter of Credit</u>
4.	<u>154</u>	<u>Letter of Credit</u>
5.	<u>26</u>	<u>Letter of Credit</u>
6.	_____	_____

NOTE: (Areas that may be included in the renewal of a permit may include that part of the permit which has not been disturbed by mining and those incidental areas necessary to facilitate the mining operations. For underground mining, existing surface areas contained in the permit may be included in the renewal of a permit. No new acres may be added to the permit as a part of this renewal).

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PART I D. (CONTINUED)

5. List all other licenses and permits required to conduct mining operations including, but not limited to, MSHA I.D. and NPDES. Give the identification or permit number, the name and address of the issuing authority, and the status or date of approval or issuance of each:

Permit	ID or Permit Number	Issuing Authority	Address	Status or date of issuance
<u>MSHA ID</u>	<u>01-03004</u>	<u>MSHA</u>	<u></u>	<u>CURRENT</u>
<u>NPDES</u>	<u>AL0061719</u>	<u>ADEM</u>	<u></u>	<u>CURRENT</u>
<u></u>	<u></u>	<u></u>	<u></u>	<u></u>

6. Did the applicant receive assistance from the Small Operator Assistance Program in preparing this application? () YES (X) NO
If YES, list SOAP I.D. Number: _____

7. Submit a certificate of proof of Liability Insurance with this application.
On File at ASMC. Current.

8. Describe any changes at the mining operation (on-site) which are different from the information given in the original permit application, earlier renewals, or revisions. Examples of such changes would be: previously undetected conditions which are creating adverse environmental effects, changes in the permit application such as the operation plan, reclamation timetable, or post-mining land use. In the case of underground mining operations, the anticipated underground development planned for the term of the renewal shall be described along with a subsidence control plan for the area. This plan is to be in the format of the subsidence control plan found in the permit application.

PART I E. PUBLIC NOTICE AND AVAILABILITY FOR INSPECTION

1. Give the name of the approved public office in which a copy of this application will be filed for public inspection following notification of completeness: Carl Elliot Regional Library Jasper, AL

2. Enclose a copy of the notice of filing of this application which will appear in a newspaper of general circulation in the vicinity of the mine and identify the name of the newspaper: Daily Mountain Eagle